

Burlington Planning Commission

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Burlington Planning Commission Minutes Tuesday, March 10, 2015 - 6:35 pm

PC Present: L. Buffinton, H. Roen, J. Wallace-Brodeur, Y. Bradley, A. Montroll, B. Baker, E. Lee

Absent:

Staff: D. White, M. O'Neil, S. Gustin, K Sturtevant

I. Agenda

No changes

II. Public Forum

Solveig Overby: Cell towers on No Winooski and Lakeside – has concerns about what has been supported by the commission. Based on scant information and limited visual examples. Setbacks are important and to be maintained/respected. What we experienced from the street is most important – behind can go higher. What's the enforcement mechanism under the FBC?

Brian Sullivan: Materials the Commission considered at last meeting offered a range of simulations possible, and Commission supported design favored by property owner. Never proposed a tower alone. Antennas were reduced, and bracing elements reduced visual impact.

III. Report of the Chair

The Chair presented the following:

- Has missed the last couple of meetings.
- Offers thanks to staff for all the hard work on planBTV South End.
- Lots to look forward to over coming months.

IV. Report of the Director

The Director presented the following:

- Very busy couple of months – spring permit workload has started
- Has filled the Planning & Zoning Clerk position. New person will start in early April

V. Telecommunications Facility – 86 Lake St

Brian Sullivan: Verizon provides coverage but it's capacity is not adequate to meet growing demand. Past strategy was to go higher (marco sites), but given current demand and technology the focus today is to serve neighborhoods (micro sites – fewer antennas). Existing signal is being taxed and capacity is nearing exhaustion. Staff memo outlines the process undertaken thus far. Design intent is to appear as mechanical infrastructure behind a painted fiberglass structure and not chimney's as originally proposed. No other suitable alternative was available. Lack of another suitable property and structural considerations prevent them from being set back or require them to be taller. Meetings with SHPO have resulted in concurrence with current design.

H Roen: Did you consider taller buildings along Battery St?

Verizon Technical Representative: No. Other site considered was 60 Lake St. Desire was to center the site within the focused service area. Preference is to use newer buildings and avoid historic buildings whenever

possible. Considered and rejected ECHO, Boathouse and LCT properties as well. This was determined to be the best site among those available. The property owner is paid for the use of the site.

M. O'Neil: Grateful for the opportunity for the City to participate. Context for this site are different than past proposals considered. Our review criteria and process is very different than that for the SHPO. Our CDO and MDP provide specific guidance that we must consider. How have they considered other suitable locations and technologies?

A Montroll: Clearly we have a need for better service. If the best site is on a historic building, and if there are not other suitable alternatives, then telecom service may need to take priority as long as we can mitigate impacts.

B. Sullivan: PC and Council has party status before PSB relative to the local MDP (not CDO) in making comments.

M. O'Neil: Notes that A Montroll advertises experience in telecom matters and asks if he may have any business interests that may affect his objectivity.

A Montroll: Is not working in telecommunications currently, and not doing similar work in Burlington. Feels that given the importance of this technology we need to ensure that we are not placing ourselves at a disadvantage. Has some expertise in similar matters that may be helpful to these discussions.

Y. Bradley: Need to balance competing interests – telecommunications vs historic preservation. Going to continue to run into these issues in the future. Operating in a more sensitive environment on Burlington's waterfront and challenge them to be sure to have given us the very best. Can't we do better? We all need to compromise to find better alternatives to get this done.

L. Buffinton: Would prefer to see a process where we are looking at broader future needs across the City and exploring a wider variety of options rather than being given just one place to consider.

H Roen: Would prefer to see other options and how they have been assessed.

E. Lee: Need to appreciate that future development will happen with future opportunities. Appreciates that this is a reversible change to the building and could be removed without permanent damage should better options come along. But there is no way that would ensure that such consideration would be given.

Verizon: Agreements with owners allow multiple opportunities for termination when better alternative may present themselves.

J. Wallace-Brodeur: What are our options at this point?

K. Sturtevant: Commission can choose to or not to provide comments and recommendations to the PSB.

E. Lee: Does not support, and would like to see more options and more thorough comparison. Need to better understand the trade-offs.

J. Wallace-Brodeur: Agree, but also need to address bigger issue so it doesn't dominate PC time and effort.

H Roen: PC should offer comments, and see other options.

A Montroll: Would also like to see other viable options, but if they cannot work could support this proposal.

B. Baker: Commission should not miss opportunity to provide our comments. Should highlight issues and concerns raised and mitigating factors. Take that forward into the process.

Motion. B. Baker, second by E. Stebbins: Staff to prepare memo on the supports and tension in MDP relative to this application, and provide those comments to Verizon.

A Montroll: Let the Commission's discussion tonight stand as comments to Verizon prior to filing of application, and then we can see what actually gets filed. Mover and seconder find this a friendly amendment.

Motion approved: unanimous.

VI. Public Hearing: Proposed Zoning Amendments

- **ZA-15-03 – Inclusionary Zoning for Institutional Zoning Districts**

D. While: Establishes how inclusionary housing should be applied to institutional housing outside of the Institutional District. Modeled after Champlain College Eagles Landing approach.

Solveig Overby: Need to consider future use of housing dedicated to students. May not always be the case.

E. Lee: Building student housing off-campus is a good solution to housing issues, but feels we need to get more protections. Need to have a management component when we allow off-campus student housing.

J. Wallace-Brodeur: An important issue, but this may not be the right place to address this.

Y. Bradley: Recommends that if this is an important issue it should be part of a different conversation

A Montroll: Want to be clear that "affiliates" could occupy. Staff confirmed this to be the case.

Motion: H. Roen, second by A Montroll: refer to Council with recommendation for approval.

E. Lee: Going to vote no. Supports the concept, but doesn't want to miss opportunity to consider issue more holistically

Motion approved: 5-1

- **ZA-15-04 – Downtown, Neighborhood Mixed-Use, Enterprise Districts Setbacks Abutting a Residential Zone**

D. While: Applies to an active appeal currently before the Court. This will clarify the issue.

Motion: L. Buffinton, second by H. Roen: Move to refer to Council with recommendation for approval.

Motion approved: unanimous.

VII. Proposed Amendments

- **Small Daycare allowance in RCO districts.**

S. Gustin: Proposal tied to existing small museum, limits size and comes at the request of WVPD.

A Montroll: Footnote should be with district rather than use and use should be listed as a CU

Motion: L. Buffinton, second by E. Stebbins: Move as amended to send to a public hearing.

Motion approved: unanimous.

- **Clarification of mixed uses allowed the "Attached Dwellings" category**

S. Gustin: Applies to an active appeal. CDO says "any mix of uses." Clarifies that this only includes those listed permitted and conditional uses.

Motion: L. Buffinton, second by E. Stebbins: Move to send to a public hearing.

Motion approved: unanimous.

VIII. planBTV South End Community Workshop Debrief

Deferred to LRPC meeting tomorrow

IX. Committee Reports

- LRPC meets tomorrow. Getting a lot of comments from members of the community relative to the planBTV: South End project.
- Joint CC/PC Form Based Code Committee – been focused on walk-through. Now getting into details and recommending changes. Focusing 2+ meetings on each Form Districts and then will discuss other areas. Already removed E-LM and changed how height is calculated. Will need more time than April and will go to Council with update and new timeframe. Still going to need public process and education once a new draft is complete.
- Ordinance discussed 15-yr Statute of Limitations with City Attorney which will be coming back to the Commission. Still working on parking
- Executive needs to schedule a meeting

X. Commissioner Items

A Montroll: An underwater/underground electric transmission line (mostly in lake) proposed. All RPC's are participating in the process to preserve participation rights. City has not chosen to participate but can through RPC is necessary.

A Montroll: All members of the Commission have potential conflicts on any number of issues that come before it. Has previously disclosed past telecommunications role and experience in the past. Felt that the way M. O'Neil raised the issue was inappropriate and felt like a personal attack and attempt to quiet his comments. Should have raised any question prior to beginning of the discussion rather than after comments had been made. The question isn't the issue, but it's the way they get raised that is the issue.

XI. Minutes/Communications

Motion: L. Buffinton, second by H. Roen: Approve the minutes from the January 13 & 27, 2015 meeting.

Motion approved: unanimous.

XII. Adjourn (9:05 p .m.)

Motion: L. Buffinton, second by H. Roen: Adjourn

Motion approved: unanimous.